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REMARKS

The present response is intended to be fully responsive to all points of objection and/or rejection raised by the Examiner and is believed to place the application in condition for allowance. Favorable reconsideration and allowance of the application is respectfully requested.

Applicant asserts that the present invention is new, non-obvious and useful. Prompt consideration and allowance of the claims is respectfully requested.

Status of Claims

Claims 1-32 and 34-39 were pending in the Application. Claims 1 through 39 have been cancelled by Applicant without prejudice. New claims 40 through 43 have been added.

CLAIM REJECTIONS

35 U.S.C. § 102 Rejections

In the Office Action, the Examiner rejected claims 20-32 and 34-39 under 35 U.S.C. § 102(e), as being anticipated by Geiger et al (US 6,377,810). Although the Applicant disagrees with the Examiners rejections, for reasons to be further elaborate below, in view of Applicant's new claims 40 through 43, which were to better articulate Applicant's invention, the Examiner's rejection is now moot.

New claims 40 through 43 recite:

40. (New) A gateway to a packet based data network comprising:

a transceiver adapted to establish a radio frequency link with a mobile device;

an interface adapted to facilitate data flow between the mobile device and the data network; and

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a controller adapted to regulate data flow between the mobile device and the data network based on information stored on a consideration related policy database functionally associated with the data network.

41. (New) A communication system comprising:

two or more gateways functionally associated with a packet based data network, wherein each gateway comprises:

a transceiver adapted to establish a radio frequency link with a mobile device;

an interface adapted to facilitate data flow between the mobile device and the data network; and

a controller adapted to regulate data flow between the mobile device and the data network based on information stored on a consideration related policy database functionally associated with the data network.

42. (New) A method of providing data to a mobile device comprising:

establishing a data link between the mobile device and a radio frequency transceiver functionally associated with a packet based data network;

regulating data between the mobile device and the packet based data network based on information stored on a consideration related policy database functionally associated with the packet based data network.

The common subject matter between all the pending claims (which subject matter was also part of the cancelled claims) is: (1) a wireless data link, and (2) a consideration related policy database functionally associated with the packet based data network.

Contrary to the limitations of the pending claims, the examiner's cited reference teaches:

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"Location information is generated for a mobile device using a global positioning system (GPS) receiver (17) or by other means. A request for receipt of location information is received at the mobile device, over a wireless communications channel from a requesting entity (25), and a confirmation of permission to receive location information is sent to the requesting entity, over the wireless communication channel. The confirmation includes a digital signature for the requesting entity to use as verifiable proof of confirmation of permission. The requesting entity can use the digital signature to obtain the location information from a location server (21). The requesting entity and/or the location server are optionally located in the mobile communications device."(Abstract – '810 patent)

As should be evident, the claimed subject matter in the present application is patentably distinct from the cited reference. In view of the foregoing amendments and remarks, the pending claims are deemed to be allowable. Their favorable reconsideration and allowance is respectfully requested.

Please charge any fees associated with this paper to deposit account No. 50-3400.

Respectfully submitted,



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